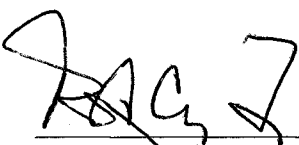


MEMORANDUM

Agenda Item No. 7(A)

TO:	Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners	(Second Reading 04-19-05) DATE: October 19, 2004
FROM:	Robert A. Ginsburg County Attorney	SUBJECT: Ordinance relating to incorporation and annexation; requiring new municipalities to pay 100% mitigation

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Joe A. Martinez.

for: 

Robert A. Ginsburg
County Attorney

RAG/bw

Memorandum



Date: April 19, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Borgeas
County Manager

A handwritten signature in black ink, appearing to read "Borgeas", written over the printed name of the County Manager.

Subject: Ordinance Requiring Certain Municipalities Incorporating or Annexing Commercial, Business, or Industrial Areas To Pay One Hundred Percent Mitigation For Those Areas.

The accompanying ordinance placed on the agenda at the request of Commissioner Joe A. Martinez will protect the County from a potential negative fiscal impact resulting from the inclusion of a Commercial, Business, or Industrial (CBI) area in a new annexation or incorporation. This legislation would require annexing or incorporating municipality to make an annual payment to the County in an amount equal to one hundred percent (100%) of the revenue the County would have otherwise lost as a result of the annexation or incorporation of that area. The intent is to make annexation or incorporation of a CBI area revenue neutral to the County.

fiscal00405



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 19, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
04-19-05

ORDINANCE NO. _____

ORDINANCE RELATING TO INCORPORATION AND ANNEXATION; ESTABLISHING COUNTY POLICY THAT REQUIRES CERTAIN NEW MUNICIPALITIES AND EXISTING MUNICIPALITIES ANNEXING CERTAIN COMMERCIAL, BUSINESS OR INDUSTRIAL AREAS WITHIN THEIR BOUNDARIES TO PAY ONE HUNDRED PER CENT (100%) MITIGATION FOR THOSE AREAS PROVIDING EXCEPTION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, policies should be adopted by the Board of County Commissioners which will minimize or eliminate adverse fiscal impacts on the unincorporated municipal service area budget due to incorporations and annexations; and

WHEREAS, prospective municipalities or municipalities desiring to annex an area may have within their boundaries high-value business, commercial, or industrial areas, including those areas as designated in Composite Exhibit 1, which is attached hereto an incorporated herein by reference (hereafter "CBI Areas"); and

WHEREAS, all County residents contribute to the value of the CBI Areas; and

WHEREAS, the 100% mitigation policy will help reduce the negative impact of the incorporation or annexation of high value areas on the unincorporated municipal services area budget,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 20-27 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec 20-27. Policy Regarding Incorporation and Annexation of Commercial, Business, or Industrial Areas.

- (1) Policy. It is the policy of the Board of County Commissioners that any proposed municipal incorporation which would result in a donor municipality having any Commercial Business or Industrial or "CBI Area" within its boundaries or any municipality that proposes the annexation of any CBI Area in the area it proposes to annex shall as a condition of incorporation or annexation, pay to the County 100% of the net excess of revenues minus expenses attributable to the CBI Area within the boundaries of the proposed municipality or the annexed area. In the case of incorporation, the agreement to pay net excess of revenues minus expenses shall be included in the charter of the proposed municipality. In the case of annexation, the agreement to pay net excess of revenues minus expenses shall be included in an interlocal agreement between the municipality and the County.
- (2) Exception: Any annexing municipality having a below average per capita taxable value as compared to all other cities within Miami-Dade County, including UMSA, and an above average tax effort as compared to all other cities in Miami-Dade County, including UMSA, shall be exempt from the application of Section 1 to the extent necessary to achieve an average per capita taxable value. It is provided, however, that if after the annexation, the municipality reduces its tax effort to below the average tax effort as compared to all cities including UMSA, it shall pay a mitigation fee into a municipal services trust fund equal to the

revenues generated in the proposed annexed area less the cost of services which the County provided to the area prior to annexation.

(3) Definitions.

For purposes of this ordinance, the term:

(a) "Donor Municipality" is defined as a municipality where the revenue generated from the area as part of UMSA is more than the expenses incurred by the County to serve that area.

(b) "Commercial, Business or Industrial Area ("CBI Area") is a high-value area used primarily for commercial, business or industrial purposes and each of which is identified and described in Composite Exhibit I hereto, which is incorporated herein by reference.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

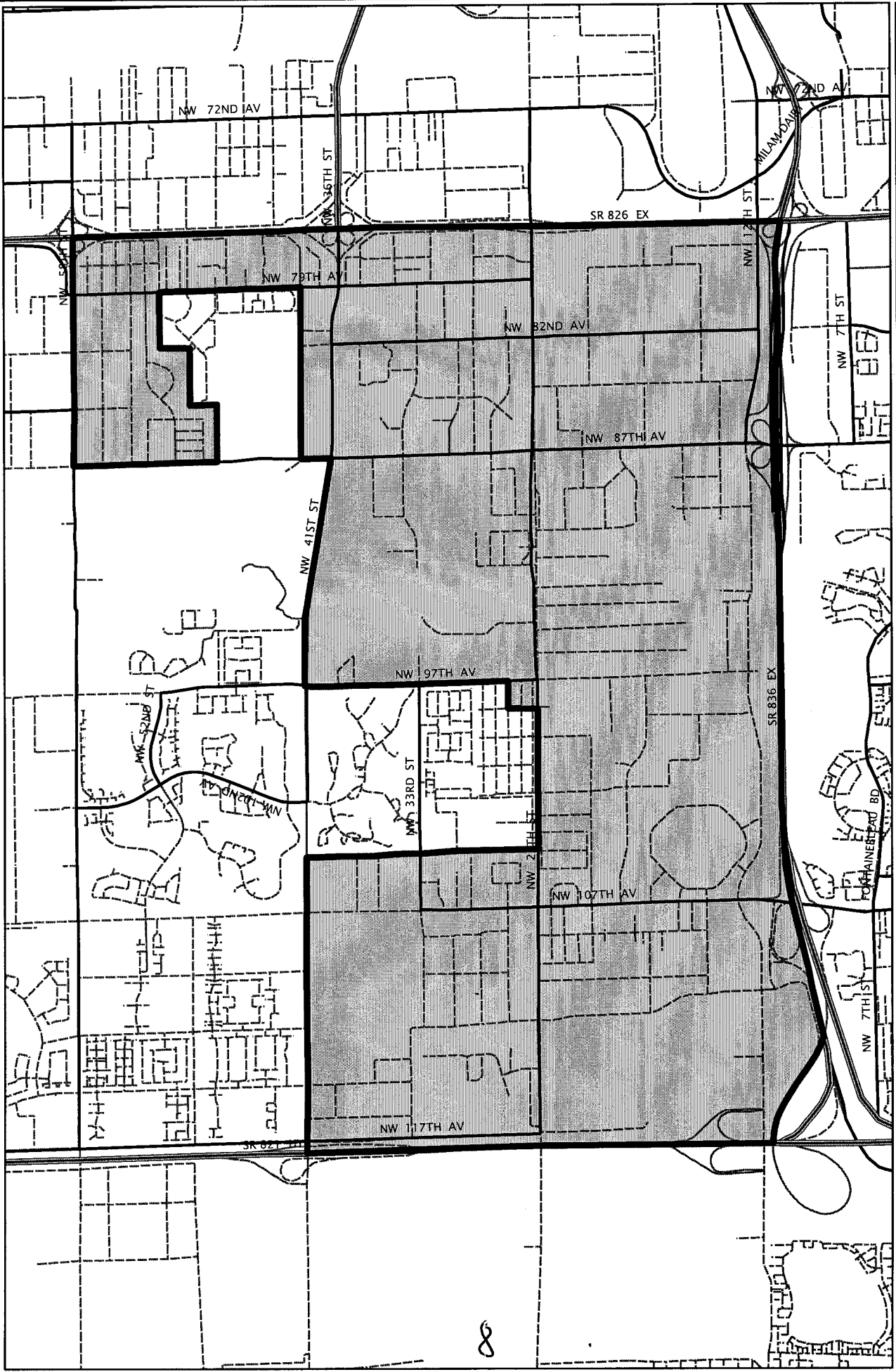
Prepared by:

Cynthia Johnson-Stacks

Sponsored by Commissioner Joe A. Martinez

Handwritten signature of Joe A. Martinez, consisting of a stylized 'J' followed by 'Ac' and a large 'S' with a horizontal line through it.Handwritten number 7.

Miami-Dade County
AIRPORT WEST CBI



This map was prepared by the Miami Dade County
Enterprise Technology Services Department
Strategic Planning Division
October 7, 2004
For the Office of Strategic Business Management
Incorporation and Annexations
And Municipal Contracting Services

0.2 0.1 0 0.2 Miles
miamidade.gov

Legend
 Airport West CBI
 Major Road
 Highway
 Street



Miami-Dade County

CUTLER RIDGE CBI



Legend

- Cutler Ridge CBI
- Major Road
- Highway
- Street

0.09 0.045 0 0.09 Miles

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9

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Legend

-  Dadeland CBI
-  Major Road
-  Highway
-  Street

0.05 0.025 0 0.05 Miles

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10

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Miami-Dade County FALLS CBI



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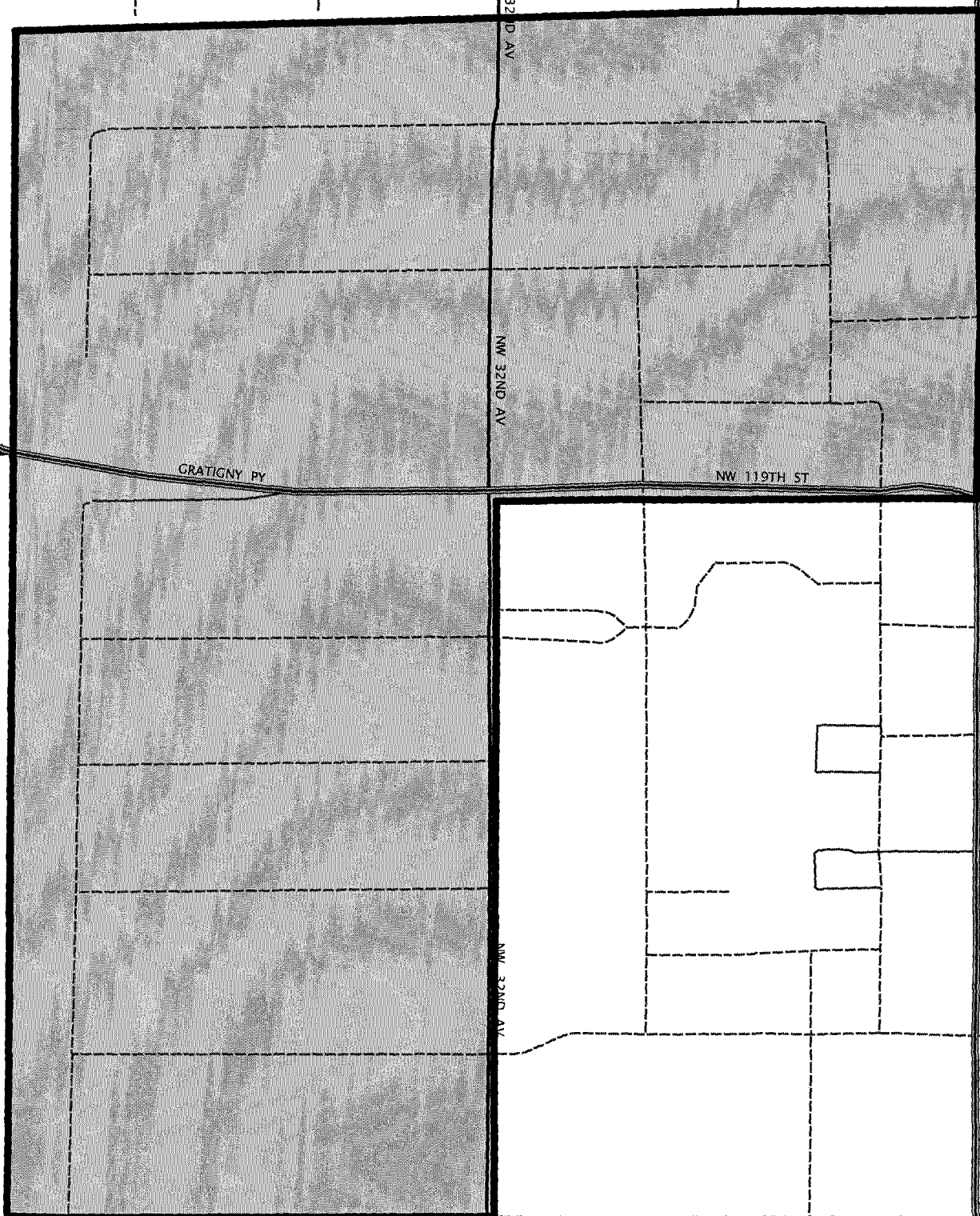
- Legend**
- Falls CBI
 - Major Road
 - Highway
 - Street





Miami-Dade County

GRATIGNY CBI



Legend

- Gratigny CBI
- Major Road
- Highway
- Street

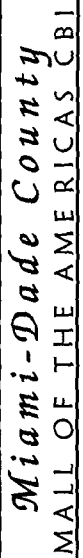
0.05 0.025 0 0.05 Miles

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12

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NW 7TH ST

SR 826 EX





SW 78TH AV

NW 82ND AV

W FLAGLER ST

13



 Mall of The Americas CBI
 Highway
 Street
 Major Road



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 Major Road
 Street



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Legend

 NE Industrial Corridor

 Major Road

 Highway

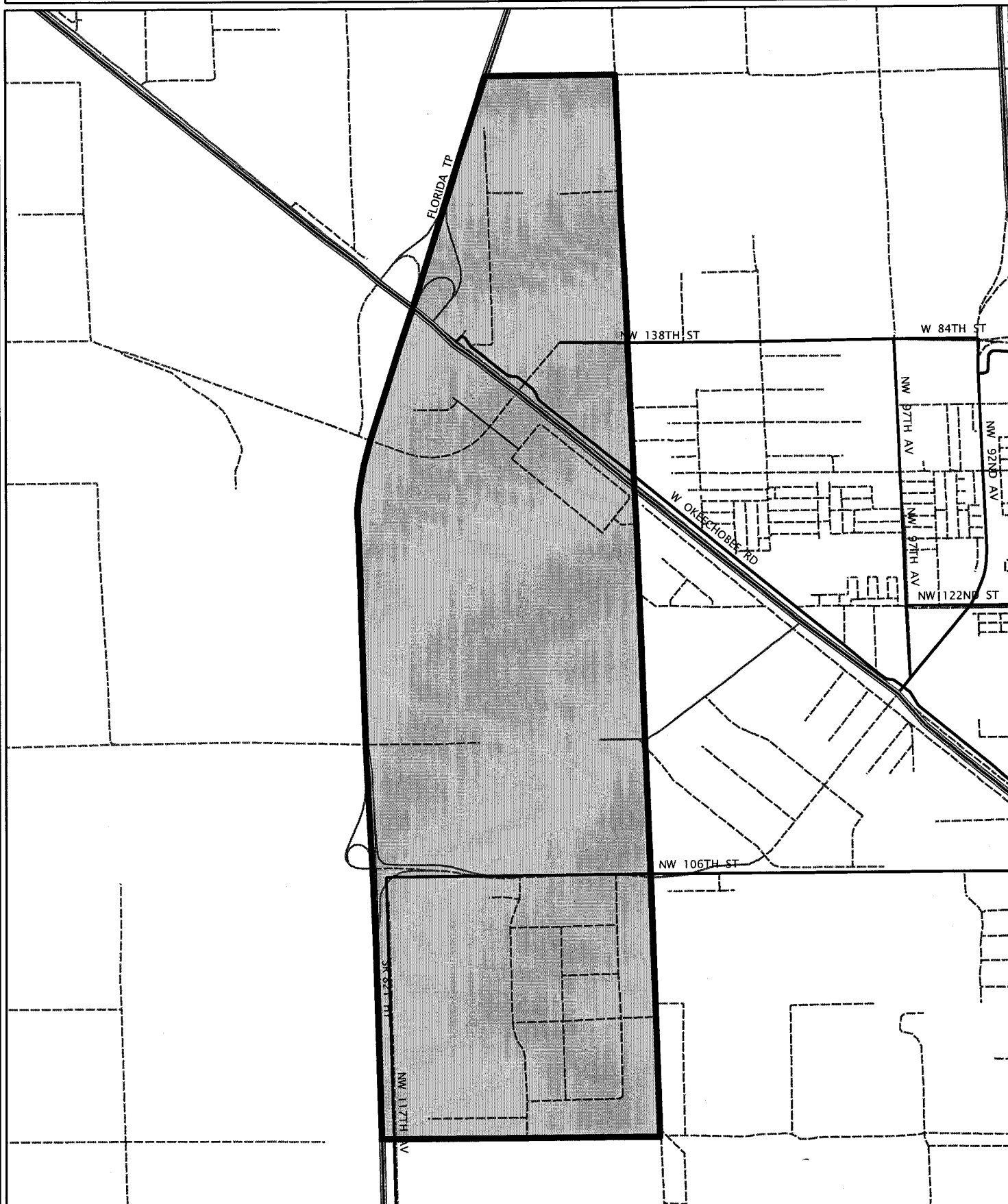
 Street





Miami-Dade County

NW INDUSTRIAL CBI



NW Industrial CBI



Major Road



Street

0.2 0.1 0 0.2 Miles

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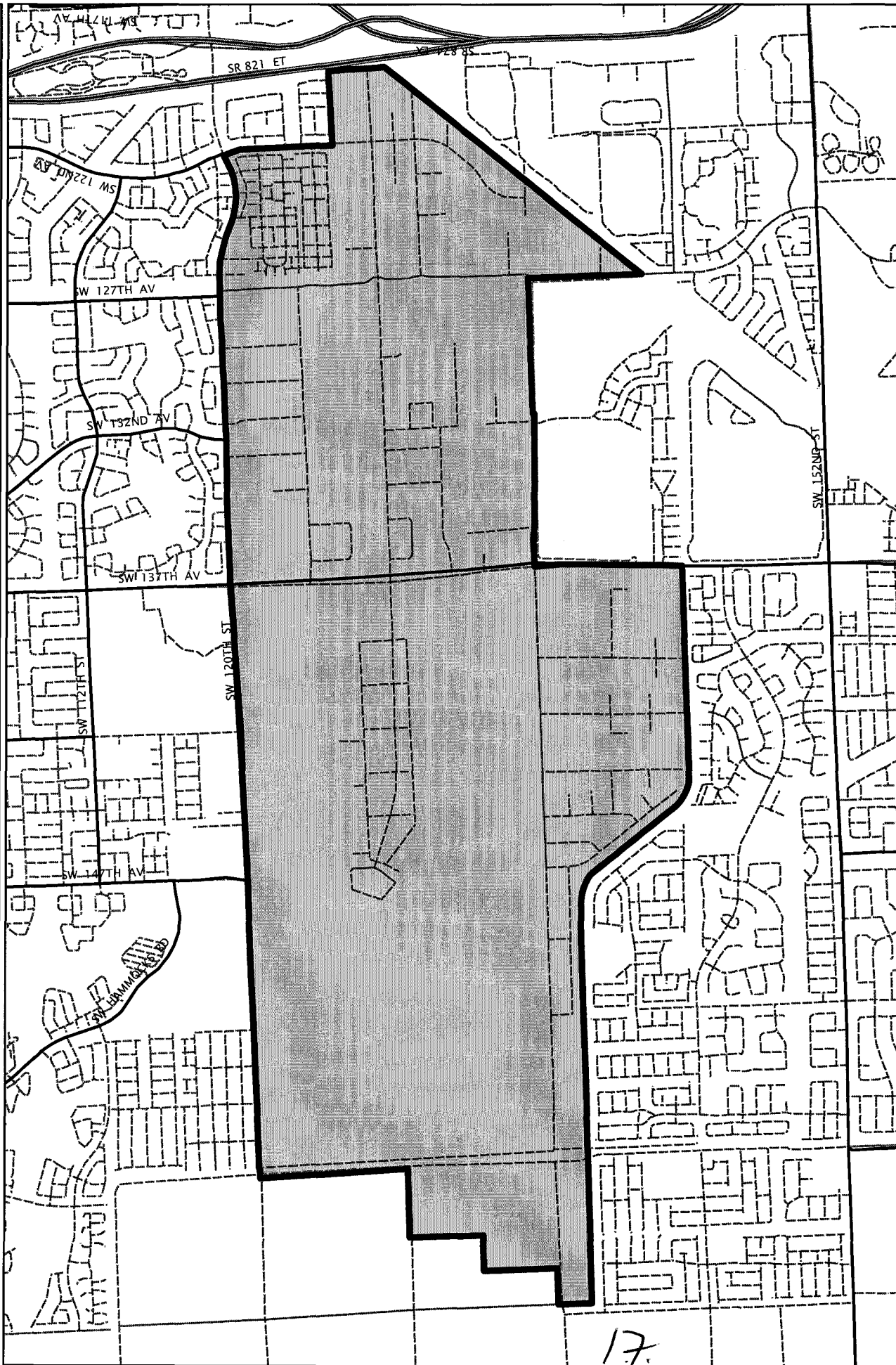
16

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Miami-Dade County

TAMiami CBI



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0.00 0.25 0.50 0.75 Miles

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Legend
 Tamiami CBI
 Major Road
 Highway
 Street



17.

SW 40TH ST

SR 826 EX

SR 874 EX

SW 72ND AV

SW 56TH ST

Legend

- Tropical Park CBI
- Highway
- Major Road
- Street

0.05 0.025 0 0.05 Miles

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